



ELECTION NEWS

A special informational bulletin
on the implementation of
Michigan election law.

Michigan Department of State - Terri Lynn Land, Secretary of State

Issue No. 46

April 9, 2007

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Declaration of Intent Filing Deadline for May 8 Election Elapses on April 27

PA 87 of 2006, signed into law on April 2, 2006, moved the Declaration of Intent filing deadline to 4:00 p.m. on the second Friday before the election. As the filing deadline change goes into effect on March 30, 2007, the May 8 election is the first election impacted by the change. With the earlier filing deadline date, any candidate who wishes to seek an office on the May 8 election ballot with write-in votes must file a Declaration of Intent with the filing official for the office no later than 4:00 p.m. on Friday, April 27.

It merits note that the amendment did not alter the waiver which is invoked in the event of the death or disqualification of a candidate on the ballot. As before, if a candidate who appears on the ballot dies or is disqualified on or after the Wednesday immediately preceding the election, all write-in votes cast under the race involved count – including those cast for individuals who did not file a Declaration of Intent form. In the case of the May 8 election, the waiver would be invoked if a candidate on the ballot dies or is disqualified on or after May 2.

Publishing Election Notices: A Review

A “notice of election” must be published no later than the 7th calendar day prior to the date of the election. The following reviews a number of important points that must be remembered when publishing election notices:

Contents of election notices: Michigan election law, MCL 168.653a, stipulates that election notices must contain the following information:

- The date of the election and the hours that the polls will be open (7:00 a.m. through 8:00 p.m.).
- A listing of the offices which will be elected or nominated at the election. (The names of the candidates seeking nomination or election to the offices do not have to be included in the notice.)
- A brief description of any ballot proposals which will appear on the ballot. (If presenting a bond proposal, the development of the proposal description in close consultation with the bond counsel is recommended.)
- Information on where voters can obtain the full text of any ballot proposals which will appear on the ballot.

A listing of the polling place locations. A statement regarding the accessibility of the polling place locations and the availability of voting instructions in alternative formats (audio and Braille) must be included with the listing.

Issuing Absent Voter Ballots for May 8 Election to Voters Outside U.S.: A Reminder

PA 605 of 2006, signed into law with immediate effect on January 3, 2007, stipulates that an absent voter ballot request sent to a city, township or village clerk by an uniformed services voter outside of the United States or a civilian voter outside of the United States must be honored for every election conducted in the applicant's city of residence or township and village of residence (if any) through the balance of the calendar year – including all school district elections.

Given the above, all county, city and township clerks who will be involved in administering the upcoming May 8 election are reminded that an absent voter ballot for the election must be mailed to all uniformed services voters outside of the United States and all civilian voters outside of the United States who submitted an absent voter ballot request anytime after December 31, 2006. Here, it merits emphasis that all uniformed services voters outside of the United States and all civilian voters outside of the United States who received an absent voter ballot for the February 27, 2007 election are automatically eligible to receive an absent voter ballot for the May 8 election.

Post-Election Notices and Certifications Related to May 8 Election

Certificate of Election and Acceptance of Office: Within five business days after the certification of a school board election, the school district's "election coordinator" is required to issue a "Certificate of Election" to each elected candidate. Within 10 business days after the issuance of the certificate, the newly elected candidate is required to file an "Acceptance of Office" with the secretary of the school board. The secretary of the school board is required to

forward a copy of the “Acceptance of Office” to the school district’s election coordinator. (MCL 168.308 as added under PA 302 of 2003; MCL 168.309 as added under PA 288 of 2004)

Oath of Office: Before entering upon the duties of his or her office, an elected school board member must take and file the oath provided in Article XI, Section 1, of the State Constitution. (MCL 168.310(1) as added under PA 302 of 2003) The oath is filed with the secretary of the school board.

Post-Election CFR Compliance Statement: Any candidate elected to office on the state, county or local level is required to file an affidavit prior to assuming office which states that at the date the affidavit was executed, all statements, reports, late filing fees and fines required of the candidate or any Candidate Committee organized to support the candidate’s election under Michigan’s Campaign Finance Act have been filed or paid.

- The affidavit is not required of an elected candidate who 1) is exempt from the filing requirements of Michigan’s Campaign Finance Act or 2) did not receive or expend more than \$1,000.00 during the election cycle.
- An elected candidate who is required to file a Post-Election Campaign Finance Compliance Statement must submit the affidavit to the filing official designated to receive the elected candidate’s campaign finance disclosure filings. Thus, an elected candidate who is required to file his or her campaign finance disclosure filings on the county level must file his or her Post-Election Campaign Finance Compliance Statement on the county level.
- The most recent version of the Post-Election Campaign Finance Compliance Statement form (December 2006 revision) can be accessed through the Department of State’s website <www.michigan.gov/sos>. (Click on “Elections in Michigan.” On the Elections in Michigan page, click on “Publication and Forms.”)
- An elected candidate who is required to file the statement who fails to submit the form is guilty of a misdemeanor punishable by “fine of up to \$500.00 or imprisonment for up to 93 days, or both.”
- Candidates participating in the May 8 election who have any questions regarding their compliance status under Michigan’s Campaign Finance Act should be directed to the county clerk responsible for accepting the candidate’s campaign finance disclosure filings.

Absentee voting information: While not required by law, it is recommended that information on how and where an elector may obtain an absent voter ballot for the election be included in all election notices.

Publication of ballot proposal language: While Michigan election law, MCL 168.653a, does not require the publication of the full text of ballot proposals in election notices, any proposal publication requirements that fall outside of MCL 168.653a must be observed.

Treasurer’s statement: MCL 211.203(3) provides that the “notice of an election in which an increase in the total tax rate limitation is to be voted upon shall contain a statement by the county treasurer of the county or counties in which the local unit voting on the increase is located of the

total of all voted increases in the total tax rate limitation, in any local units, affecting the taxable property in the local unit voting on the increase, and the years the increases are effective.”

Election Resources Available on Department’s Website

A wide variety of election related information and materials can be accessed through the Department’s website <www.michigan.gov/sos>. To locate, click on “Elections in Michigan”; on the Elections in Michigan page, click on “Information for Election Administrators.” The information and materials currently available on the website include the following:

- Michigan election law.
- May 8, 2007 election date calendar.
- Voter information poster for May 8, 2007 election. (English and Spanish versions are available.)
- August 7, 2007 election date calendar.
- September 11, 2007 village election calendar.
- November 6, 2007 election date calendar.
- 2007 city election calendar.
- Provisional balloting materials.
- AutoMARK Voter Assist Terminal materials.
- Important dates and filing deadlines associated with the August 5, 2008 Primary and November 4, 2008 General Election.

Have a Question or Need Assistance?

If you have a question or need assistance with your election related duties, please do not hesitate to contact the Michigan Department of State’s Bureau of Elections. We will be happy to assist in any way possible!

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